

UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. 92-20MV

OPPOSITION OF THE INTERIOR'S RECOMMENDED AMENDMENTS TO THE INDIAN  
GAMING REGULATORY ACT

- WHEREAS, the United South and Eastern Tribes, Incorporated (USET) is an inter-tribal organization comprised of twenty (20) federally recognized tribes; and
- WHEREAS, the actions taken by the USET, Inc. Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and
- WHEREAS, the US Government has a long-standing and comprehensive trust responsibility to Indian Tribes and Indian people; and
- WHEREAS, President Bush has acknowledged "the existence and durability of [the] unique government-to-government relationship" between the United States and Indian Tribes; and
- WHEREAS, the Secretary of the Interior, the Honorable Manuel Lujan, Jr., is the federal government official who is to discharge the responsibilities of the Trustee to Indian Tribes and Indian people; and
- WHEREAS, Secretary Lujan has recognized the importance of and necessity for consulting with Tribes in the discharge of his Trustee responsibilities; and
- WHEREAS, many Tribes have elected to exercise their rights under federal law to establish gaming enterprises on Indian lands in order to raise revenues for needed Tribal programs; and
- WHEREAS, the Indian Gaming Regulatory Act, the federal law which governs gaming on Indian lands, was enacted in 1988 as an effort to balance the interests of Tribes, States and gaming competitors; and
- WHEREAS, Secretary Lujan, on April 20, 1992, reported to the White House on the status of gaming on Indian reservations and controversies that have arisen with States; and
- WHEREAS, in that report, Secretary Lujan proposed some "clarifying" amendments to the Indian Gaming Regulatory Act "[i]n order to counter what may turn into a campaign to blame [the Bush] Administration for foisting Indian gaming onto States which profess not to want it"; and
- WHEREAS, no consultations with Indian Tribes operation gaming enterprises was undertaken by the Secretary before making these recommendations; and
- WHEREAS, the four amendments to the Indian Gaming Regulatory Act which Secretary Lujan advocated would restrict Tribes' activities and options vis-a-vis the States; and

WHEREAS, although Tribes -- including USET member Tribes -- have sought Secretary Lujan's help in overcoming the Eleventh Amendment defense raised by several States who have resisted good faith Class III compact negotiations with Tribes, the Secretary has not recommended any "clarifying" amendment to the Indian Gaming Regulatory Act or taken any other steps to help overcome this Tribal concern; and

WHEREAS, since Secretary Lujan proposed no Indian Gaming Regulatory Act amendments to strengthen the Tribes' position that could counterbalance his proposed amendments that would strengthen the States position, his recommendations would disturb the careful balancing of interests developed by the Congress, and thereby be detrimental to Tribal interests; and

WHEREAS, Indian Tribes oppose amendments to the Indian Gaming Regulatory Act at this time, and support the position of the Select Committee on Indian Affairs that the Act in its current form be given a chance to work.

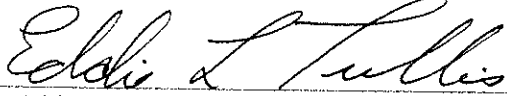
NOW THEREFORE BE IT RESOLVED, that the USET Board of Directors express their opposition to the amendments to the Indian Gaming Regulatory Act proposed by Secretary Lujan in his April 20, 1992 Memorandum to White House Chief of Staff Samuel Skinner; and


BE IT FURTHER RESOLVED that USET urge Secretary Lujan to consult with Indian Tribes on gaming matters in order to give Tribes the opportunity to convey their concerns and views to their Trustee, particularly on the four issues on which Secretary Lujan has recommended "clarifying" amendments to the Indian Gaming Regulatory Act; and

BE IT FINALLY RESOLVED that Secretary Lujan establish the following policy for the Interior Department: Where a State raises the Eleventh Amendment as a defense in a case brought by a Tribe to require the State to negotiate a Class III compact in good faith, as required by the Indian Gaming Regulatory Act, the Department shall intervene as a co-plaintiff in order to eliminate the Eleventh Amendment defense and allow the case to go to decision on its merits.

#### CERTIFICATION

This resolution was duly passed at the Board of Directors Meeting, at which a quorum was present, in Martha's Vineyard, MA on April 29, 1992.

  
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Eddie L. Tullis, President  
United South and Eastern  
Tribes, Inc.

  
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Lovelin Poncho, Secretary  
United South and Eastern  
Tribes, Inc.